



consumers in an individual capacity in the State of Ohio.

5. I am the President of BESTECH. BESTECH is a duly organized Florida corporation, and was formed and operated in the State of Florida since 1979. Since 1982 it has operated and has had its principal place of business at 442 S. Dixie Highway East, Pompano Beach, Florida.
6. At all times material hereto, BESTECH was engaged in the business of manufacturing water treatment equipment known as "Next Generation" Bacteriostatic Water Conditioner with X-462," ("Next Generation") – EPA registration no. 37589-8 – and a silver impregnated carbon replacement filter media under the name of "BESTECH X-462 ("X-462") – EPA registration no. 37889-4.
7. I do not sell, offer for sale, advertise, or distribute BESTECH product in my individual capacity. Any involvement that I have had in the sale, offer for sale, advertisement, or distribution of BESTECH product has been exclusively in my role as the President of BESTECH.
8. At all times material hereto, neither I nor BESTECH have maintained any office or business location within the State of Ohio, or the Northern District of Ohio.
9. At all times material hereto, neither I nor BESTECH have been found to be subject to the jurisdiction of any Court in Ohio.
10. At all times material hereto, neither I nor BESTECH have had any bank accounts in Ohio.
11. At all times material hereto, neither I nor BESTECH have owned any real property in Ohio.
12. At all times material hereto, neither I nor BESTECH have incurred or paid taxes in Ohio.

13. At all times material hereto, neither I nor BESTECH have maintained any residence, mailing address or business address in the State of Ohio.
14. At all times material hereto, neither I nor BESTECH have owned any vehicles, aircraft or watercraft that are or were registered in or maintained in the State of Ohio.
15. At all times material hereto, I have not held any professional license or any other type of license in the State of Ohio.
16. At all times material hereto, BESTECH has not held or maintained any type of licenses in the State of Ohio.
17. I have never had any responsibilities relating to BESTECH in my personal or individual capacity. My only interest in BESTECH is as a stockholder, officer, and director.
18. I did not, in any capacity, for myself or on behalf of BESTECH, direct any acts towards any Plaintiff in the State of Ohio, nor cause any injury to any person, entity or firm in the State of Ohio.
19. At all times material hereto, neither I nor BESTECH have employed anyone in Ohio.
20. At all times material hereto, neither I nor BESTECH have specifically solicited business in Ohio.
21. At all times material hereto, neither I nor BESTECH have specifically targeted any advertisements to residents of Ohio or advertised in any Ohio-based publication.
22. At all times material hereto, neither I nor BESTECH have had any sales representatives stationed in or covering Ohio.
23. At all times material hereto, neither I nor BESTECH have leased office space in Ohio.
24. At all times material hereto, neither I nor BESTECH have had any contracts for the supply of goods or services in Ohio.

25. BESTECH'S vast majority of revenue comes from sales in the State of Florida or overseas.
26. Since its inception in 1979, BESTECH has never conducted regular or continuous business in the State of Ohio.
27. In fact, over the last six (6) years, BESTECH has received only three (3) orders (all unsolicited) from Defendant, CLEAN RESOURCES, INC., for its X-462 silver impregnated carbon replacement media, and two (2) orders (again unsolicited) from a company known as Jacobi Carbon. Each of the orders from CLEAN RESOURCES were received in 2010 and requested delivery directly to CLEAN RESOURCES, INC. The last sale to CLEAN RESOURCES, INC. occurred in October of 2010. BESTECH's total sales to CLEAN RESOURCES, INC. were \$1,629.00, inclusive of shipping. Each of the orders from Jacobi Carbon were received in 2011 and requested delivery directly to Jacobi Carbon. BESTECH's total sales to Jacobi Carbon were \$5,293.00, inclusive of shipping. In the last six (6) years, BESTECH has not sold its media to any consumer or other customer in Ohio other than those sales identified in this paragraph. The total gross dollar value of these sales was approximately \$6,922.00, inclusive of the cost of shipping.
28. All of the sales identified in paragraph 27 were initiated by our customer calling to Florida and placing an order. BESTECH did not engage in any negotiations in connection with these orders and did not perform any service in Ohio in connection with these orders. All products relating to these orders were shipped Free-on-Board from Florida to Ohio. All payments were received in Florida and deposited in a Florida bank account.
29. At all times material hereto, neither I nor BESTECH reasonably anticipated being hailed

into the Northern District of Ohio for any action that BESTECH has taken or that I have taken on behalf of BESTECH or in my individual capacity.

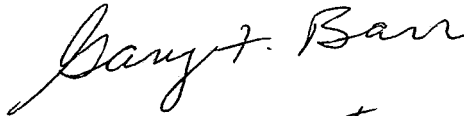
30. Specifically, at no time material hereto, did I or BESTECH anticipate, consent to, or purposefully avail ourselves to, being hailed into the Northern District of Ohio based on the advertisement of BESTECH in the Water Technology Water Conditioning and Purification Magazine and Water Technology Magazine, both of which are national magazines. In fact, the advertisements in these magazine did not target any business, person, or firm in Ohio and, at no time, has BESTECH directed or specifically targeted any advertisements to any business, person, or firm in Ohio. Nor has BESTECH ever directly solicited business from any person, firm, or business in the State of Ohio.
31. Moreover, neither I nor BESTECH anticipated, consented to, or purposefully availed ourselves to, being hailed into the Northern District of Ohio based on my response (as President of BESTECH) to the email attached to the Complaint at EXHIBIT M.
32. Neither I nor BESTECH have ever authorized or directed Clean Resources, Inc., Clean Resources Services, LLC, James C. Baston, David J. McKinley, or Mike Simmons (the "CLEAN RESOURCE ENTITIES") to act on behalf of BESTECH in any capacity. None of the CLEAN RESOURCE ENTITIES is an agent of mine or BESTECH's and, at no time material hereto, have I or BESTECH directed any of the CLEAN RESOURCE ENTITIES to take any specific action or to make any specific statements, including any direction for the CLEAN RESOURCE ENTITIES to service customers who own Bacteriostatic Water Conditioners with BESTECH's replacement media.
33. Neither I nor BESTECH have ever discussed, negotiated, or conspired with any of the CLEAN RESOURCE ENTITIES, or anyone else for that matter, to make inaccurate

statements about the Plaintiffs' or BESTECH's product or to unfairly compete with any of the Plaintiffs.


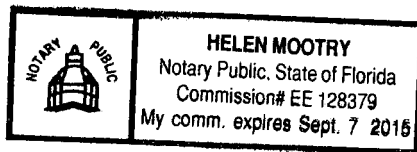
34. Neither I nor BESTECH have ever made any representations to Mr. Fox or any other consumer or customer in Ohio regarding the nature or characteristics of the Puronics media or the contents of the Puronics label. I, as President of Bestech, only responded to one unsolicited, customer inquiry (EXHIBIT M to the Complaint) by simply providing an accurate comparison of the active ingredients set forth on the relevant labels.

FURTHER AFFIANT SAYETH NAUGHT.

GARY F. BARR



SWORN TO AND SUBSCRIBED before me on this 21<sup>st</sup> day of June, 2012.



6/21/12  
Notary Public